

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE BATTS

KINGATE GLOBAL FUND LTD., *et al.*,

Plaintiffs,

-v-

DEUTSCHE BANK SECURITIES, INC.,

Defendant.

11 **CIV** No. **9364**
ORDER

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DATE FILED: 12-21-11

RICHARD J. SULLIVAN, District Judge:


The Court, while sitting in Part I, received Plaintiffs' application, dated December 19, 2011, to file a partially redacted complaint, with an unredacted complaint filed under seal. Federal courts "have recognized a strong presumption of public access to court records." *Video Software Dealers Assoc. v. Orion Pictures Corp.*, 21 F.3d 24, 26 (2d Cir. 1994) (citing *Nixon v. Warner Comm'ns, Inc.*, 435 U.S. 589, 597-98 (1978)). This presumption applies to judicial documents, meaning documents "relevant to the performance of the judicial function and useful in the judicial process." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). A complaint is one such judicial document. *See, e.g., Standard Chartered Bank Int'l (Ams.) Ltd. v. Miguel Calvo*, 2010 WL 2490995 (WHP), at *1 (S.D.N.Y. June 16, 2010) (denying an application, while sitting in Part 1, to file a complaint and related documents under seal). Accordingly, in deciding whether to seal this complaint, the Court must consider "(i) the danger of impairing law enforcement or judicial efficiency and (ii) the privacy interests of those resisting disclosure." *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995).

According to Plaintiffs' application, the agreement underlying this action contains strict confidentiality provisions. This agreement between the parties, however, does not absolve the Court of its responsibility to engage in the inquiry described above. As the record currently stands, the Court cannot engage in this inquiry because Plaintiffs make no attempt to articulate or describe why docketing the unredacted complaint would impede the privacy interests of any party. Accordingly, IT IS HEREBY ORDERED that Plaintiffs' application is DENIED without prejudice to renewal. Should Plaintiffs wish to renew their application, they should include a submission articulating what privacy interests are at stake and why those interests should overcome the strong presumption of public access to court records.

IT IS FURTHER ORDERED that Plaintiffs shall file a copy of this Order when filing their complaint.

SO ORDERED.

Dated: December 19, 2011
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE